

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Samuel I. Miller
Serial No. : 09/068,804
Filed : May 14, 1998
Title : SALMONELLA SECRETED PROTEINS AND USES THEREOF

Art Unit : 1645
Examiner : P. Baskar

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Linda
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RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Action mailed December 31, 2002, applicant provisionally elects the invention of Group VII, claims 82-86, SspB, SspC, SspD, and SspA nucleic acid sequence, vector, and host cell.

This election is made with traverse. Applicant believes that the presently pending claims have been adequately examined and that the present restriction requirement is unjustified. The initial restriction requirement and response for the present application are dated June 23, 1999, and July 27, 1999, respectively. The elected group included nucleic acid sequences comprising SspB, SspC, SspC, and SspD individually and in a single sequence. In the four years since the first Restriction was mailed, four Office Actions have been issued and four Responses to those Actions have been filed. The Examiner issued the present Restriction Requirement in response to applicant's fourth Response. The present Restriction Requirement was issued because the Office finds that the claims "are drawn to a plurality of patentably distinct inventions" (Office Action at page 2). Applicant is skeptical of this assertion by the Office in view of the extensive prosecution of this application. Plainly, the Office has had ample time to determine the number of inventions in the present application and has extensively examined the claimed invention. Moreover, both applicant and the Examiner have expended considerable time and effort on the

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney's Docket No.: 00786-292002 / MGH- 952
UTL1

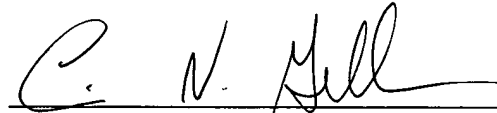
prosecution of the present claims. For example, applicant has submitted two Declarations , each accompanied by several exhibits. At this juncture, fair and efficient prosecution of the present application can best be achieved by withdrawing the present restriction requirement. Accordingly, applicant believes that the Restriction Requirement is unjustified, and respectfully requests reconsideration and withdrawal of the present restriction requirement.

If the Examiner or her supervisor believe that a telephone conference would be helpful, they are asked to contact the undersigned.

A Petition for Extension of Time and check for same accompany this Reply. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 00786-292002.

Respectfully submitted,

Date: June 30, 2013



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